COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Southwest Regional Office

STATEMENT OF LEGAL AND FACTUAL BASIS

Wolf Hills Energy, LLC
c/o Constellation Energy Group
14555 Industrial Park Road, Washington County, Virginia
Permit No. SWRO11348

In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Acid Rain Operating Permits).

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. The facility is also subject to the acid rain regulations at 9 VAC 5-80-360 through 9 VAC 5-80-680. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, Wolf Hills Energy, LLC has applied for a Title V Operating Permit for its peaking power plant. The Department has reviewed the application and prepared an Article 3 Federal Operating Permit.

Engineer/Permit Contact: _____ Date: _____

Air Permit Manager: _____ Date: _____

Deputy Regional Director: _____ Date: _____

FACILITY INFORMATION

Permittee
Wolf Hills Energy, LLC
111 Market Place, Suite 200
Baltimore, MD 21202

Facility Location
Wolf Hills Energy, LLC
14555 Industrial Park Road
P.O Box 16549
Bristol, VA 24209

Facility ID No. 51-191-0180

SOURCE DESCRIPTION

SIC Code: 4911 – Electric power generation

Wolf Hills Energy is a peaking electric power generation facility. It consists of five Pratt & Whitney FT8 Twin Pac simple cycle gas turbine generator sets, with each generator set powered by two gas turbines using natural gas exclusively as a fuel. Each Twin Pac has a maximum heat input of 520.5 MMBtu/hr, with a rated base load of 57.3 MW output. The facility also includes a natural gas-fired heater with a maximum heat input of 11.9 MMBtu/hr heat input.

Air emissions from the facility include Particulate Matter (PM, includes PM-10), Volatile Organic Compounds (VOC), Nitrogen Oxides (NO_X), Sulfur Dioxide (SO_2), and Carbon Monoxide (CO) from the combustion turbines and natural gas heater, and trace amounts of Hazardous Air Pollutants (HAP) from the combustion turbines.

The facility began operation in 2001 and is considered a Title V major source because potential emissions of NOx and CO are above the major source threshold. This facility is located in an attainment area for all pollutants.

COMPLIANCE STATUS

The facility is inspected at least once each year. Previous inspections have found the facility operating in compliance. According to the application, the facility is in compliance with all applicable requirements.

EMISSION UNIT AND CONTROL DEVICE IDENTIFICATION

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device (PCD) Description	PCD ID	Pollutant(s) Controlled
WHO1	1a	Pratt & Whitney FT8 Twin Pac #1a gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-1 CD-11	NO_x CO
WHO2	1b	Pratt & Whitney FT8 Twin Pac #1b gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-2 CD-12	NO_x CO
WHO3	2a	Pratt & Whitney FT8 Twin Pac #2a gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-3 CD-13	NO_x CO
WHO4	2b	Pratt & Whitney FT8 Twin Pac #2b gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-4 CD-14	NO_x CO
WHO5	3a	Pratt & Whitney FT8 Twin Pac #3a gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-5 CD-15	NO_x CO
WHO6	3b	Pratt & Whitney FT8 Twin Pac #3b gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-6 CD-16	NO_x CO
WHO7	4a	Pratt & Whitney FT8 Twin Pac #4a gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-7 CD-17	NO_x CO
WHO8	4b	Pratt & Whitney FT8 Twin Pac #4b gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-8 CD-18	NO_x CO
WHO9	5a	Pratt & Whitney FT8 Twin Pac #4a gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-9 CD-19	NO_x CO
WH10	5b	Pratt & Whitney FT8 Twin Pac #4b gas turbine	260.25 MMBtu/hr	Water injection Oxidation catalyst	CD-10 CD-20	NO_x CO
WH-HTR		Natural gas-fired heater	11.9 MMBtu/hr	None	N/a	N/a

EMISSIONS INVENTORY

A copy of the 2002 permit application emission inventory is included in the application. Emissions are summarized in the following table:

2001 Actual Emissions	Criteria Pollutant Emission in Tons/Year				
	VOC	CO	SO_2	PM-10	NO_x
Total	0.45	3.19	0.22	4.99	29.2

EMISSION UNIT APPLICABLE REQUIREMENTS

Combustion Turbines (WHO1 – WH10) and Natural Gas-Fired Heater (WH-HTR)

Limitations

Facility limitations from the state major NSR permit issued May 1, 2000, and modified September 22, 2000, May 16, 2001, and August 27, 2001.

3. The permittee shall meet all the applicable requirements of 40 CFR 60, Subpart GG Standards of Performance for Stationary Gas Turbines.
(9 VAC 5-50-410)

4. Sulfur dioxide and particulate matter (PM) emissions from each combustion turbine and the heater shall be controlled by the use of pipeline quality natural gas fuel with maximum sulfur content not to exceed 0.8 percent by weight. The annual average sulfur content of the natural gas fuel shall not exceed 0.064 grains per 100 dry standard cubic feet per year, calculated monthly as the average of each consecutive 12 month period.
(9 VAC 5-80-10, 9 VAC 5-50-20, 9 VAC 5-50-260 and 9 VAC 5-50-410)

5. Nitrogen oxide (NO_x) emissions from each combustion turbine shall be controlled by the use of water injection. When natural gas is fired in a combustion turbine, water shall be injected into the combustion turbine to control nitrogen oxide emissions. The rate of water injection shall be at least that established during emissions tests as being sufficient to meet the emissions standards set forth in this permit.
(9 VAC 5-80-10 and 9 VAC 5-50-260)

6. Carbon monoxide and volatile organic compound (VOC) emissions from each combustion turbine shall be controlled by a high temperature oxidation catalyst. The catalysts shall be operated within their optimum operating temperature range, and the

catalyst material shall be tested periodically to predict and determine catalyst life for operation at this facility.
(9 VAC 5-80-10 and 9 VAC 5-50-260)

7. Carbon monoxide, VOC, PM and formaldehyde emissions from each combustion turbine shall be minimized by the use of good combustion practices.
(9 VAC 5-50-260)

8. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30)

9. The approved fuel for all of the combustion turbines is pipeline quality natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-50-260)

10. The five Twin Pac generator sets and the natural gas-fired heater shall consume no more than 4,679 million standard cubic feet (MMSCF) of natural gas per year, calculated daily as the sum of each consecutive 365-day period. The heater shall consume no more than 7.19 million standard cubic feet (MMSCF) of natural gas per year, calculated daily as the sum of each consecutive 365-day period.
(9 VAC 5-170-160)

17. Emissions from the operation of the ten (10) combustion turbines shall not exceed the limits specified below (combined total includes the natural gas-fired heater):

	(each at base/peak load) lb/hr	(combined total) tons/yr
Particulate Matter	3.0	27.7
PM-10	3.0	27.7
Nitrogen Oxides (as NO_2)	(25 ppmvd* for FBN # 0.015%) 29.6	249.17
Carbon Monoxide	(25 ppmvd*) 18.0	151.7
Volatile Organic Compounds	2.2	18.9

Regulated Toxic Pollutants (as VOC)		
Formaldehyde	0.033	0.3
Regulated Toxic Pollutants (as PM)		
Mercury	0.00011	0.001

*(ppm by volume, one hour average at 15% oxygen as a dry sample and at ambient pressure, as measured per EPA Methods 10 and 20 of 40 CFR 60 Appendix A)
FBN – Fuel Bound Nitrogen, percent by weight

The approved methods for determining compliance with this condition include compliance with conditions III.A. 1-7; or DEQ-approved source emission tests. DEQ reserves the authority to require source emission tests for any regulated air pollutant.
(9 VAC 5-50-180, 9 VAC 5-50-260 and 9 VAC 5-50-410)

18. Emissions of nitrogen oxides from the operation of each combustion turbine shall not exceed 112.7 ppmvd as a one hour average at 15% oxygen, adjusted to International Standards Organization (ISO) standard ambient conditions in accordance with Subpart GG of the NSPS. The permittee shall provide hourly average records of the ambient temperature, ambient humidity, and combustor inlet pressure so that the NO_x emissions data can be corrected to ISO standard ambient conditions, upon the request of the DEQ, in order to demonstrate compliance with this emission standard. The permittee shall expeditiously repair or replace ambient monitoring instrumentation in the event of instrument malfunction. In the event of malfunction, equivalent data may be provided from local meteorological sources.
(9 VAC 5-170-160, 9 VAC 5-50-50, and 9 VAC 5-50-410)

19. Visible emissions from each combustion turbine exhaust stack shall not exceed ten (10) percent opacity as determined by EPA Method 9 (Reference 40 CFR 60, Appendix A). This condition applies at all times except during start-up, shut-down or malfunction.
(9 VAC 5-50-260)

Facility limitation requirements from 40 CFR 60 Subpart GG have been incorporated in the requirements from the state major NSR permit listed above.

Facility limitation requirements from 40 CFR 60 Subpart A:

40 CFR 60.11(a)

(a) Compliance with standards in this part, other than opacity standards, shall be determined in accordance with performance tests established by Š60.8, unless otherwise specified in the applicable standard.

40 CFR 60.11(b)
(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section.

40 CFR 60.11(c)
(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

40 CFR 60.11(d)
(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator who may include, but is not limited to, monitoring results, and opacity observations, review of operating and maintenance procedures, and inspection of the source.

40 CFR 60.12 Circumvention
No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission, which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Monitoring

Facility monitoring requirements from the state major NSR permit issued May 1, 2000, and modified September 22, 2000, May 16, 2001, and August 27, 2001.

14. Continuous monitoring systems shall be installed and operated to monitor and record the fuel consumption and ratio of water injected to fuel being fired in each turbine. These monitoring systems shall be operated at all times that water is being injected into the turbines and shall be accurate to within " 5.0 percent. The systems shall be maintained and calibrated in accordance with manufacturer's specifications. As a minimum,

calibrations shall be done prior to the performance test and the monitoring systems shall be inspected at least annually thereafter by a professional engineer employed or retained by the permittee. The permittee shall maintain the records of fuel consumption and ratio of water to fuel being fired at the site. These records shall be kept on file for the most current five year period and available for inspection by DEQ personnel.
(9 VAC 5-50-20, 9 VAC 5-50-40, and 9 VAC 5-50-50)

20. The permittee shall monitor the sulfur content of the natural gas being fired in the combustion turbines, in accordance with Subpart GG of the NSPS and subsection a. below. The permittee shall comply with the custom fuel sulfur monitoring schedule contained in subsections b. and c. of this condition. The permittee may submit subsequent custom fuel sampling schedules through the DEQ for EPA approval. The permittee shall maintain records certifying the sulfur content of the gas.

a. Analysis for the sulfur content of the natural gas shall be conducted as referenced in 40 CFR 60.334(b)(2), using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels or an approved alternative method. The approved reference methods are: ASTM D1072-80, D3031-81, D4084-82, or D3246-81. Fuel vendor analyses by these methods may be used.

b. Sulfur monitoring shall be conducted twice monthly for twelve (12) months. If this monitoring demonstrates compliance with allowable permit limits, then sulfur monitoring shall be conducted once per quarter.

c. If the monitoring required in paragraph b. above, demonstrates consistent compliance with the fuel sulfur content allowable permit limits, sulfur monitoring shall be conducted once per quarter.

d. Should any sulfur analysis required in paragraph b or c above indicate noncompliance, the permittee shall notify the Director, Southwest Regional Office. Sulfur monitoring shall be conducted each day the turbines operate during an interim period when this custom schedule is being reexamined due to noncompliance, and those results may be submitted to show compliance.

e. If there is a change in fuel supply, the permittee must notify the Director, Southwest Regional Office of such change for reexamination of this custom schedule. A change in fuel quality may be deemed a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being reexamined.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-170-160 and 9 VAC 5-50-410)

The facility is a major source subject to Title V permitting and therefore subject to 40 CFR Part 64 – Compliance Assurance Monitoring (CAM). An emission unit is subject to CAM if it meets all of the following criteria on a pollutant-by-pollutant basis:

a. Emits or has the potential to emit uncontrolled quantities of one or more regulated air pollutants at or above major source levels,

b. Is subject to one or more emissions limitations for the regulated air pollutants for which it is major before control, and

c. Uses an add-on control device to achieve compliance with the emissions limitations.

The combustion turbines are emission units that meet all the above criteria as follows:

a. The combustion turbines emit uncontrolled quantities of NO_x and CO above major source levels,

b. The combustion turbines are each subject to NO_x emission limits of 29.6 lb/hr and 25 ppmvd as contained in the NSR permit dated August 27, 2001, and are each subject to CO emission limits of 18.0 lb/hr and 25 ppmvd from the same permit.

c. The combustion turbines use water injection to comply with the NO_x emission limit, and oxidation catalysts to comply with the CO limit.

Because the combustion turbines meet the above criteria only when considering NO_x and CO, CAM is required only for those pollutants. The applicant submitted CAM information as required by 40 CFR 64.5, Deadlines for Submittals.

The permittee has installed the following:

a. A water flow meter for monitoring water injected into the turbines;

b. A fuel flow meter for monitoring fuel consumption by the turbines; and

c. A data acquisition system for recording values for water-to-fuel ratio, fuel consumption and turbine loading.

The permittee will be required to monitor, operate, calibrate and maintain the above-listed devices according to the CAM plan proposed by the applicant and summarized in the following table:

Applicable Requirement	NO_x Limits	CO Limits
Measurement Approach	Monitor fuel consumption and water-to-fuel ratio.	Monitor turbine load and verify catalyst activity.
Monitoring Methods and Location	Fuel consumption by fuel flow meter Water-to-fuel ratio by fuel flow meter and water flow meter	Turbine instrumentation for load Representative samples of catalyst for activity
Indicator Range	Water-to-fuel ratio as shown in the following table, and an excursion is defined as a water-to-fuel ratio in the indicator range.	Turbines to be operated at a minimum of 50 percent load, and an excursion is defined as a value less than 50 percent load.
Data Collection Frequency	Fuel consumption and water-to-fuel ratio data to be measured continuously.	Load data to be collected hourly. Catalysts from 2 of 10 units to be sampled annually
Averaging Period	Hourly for fuel consumption and water-to-fuel ratio	Three-hour periods for load data
Recordkeeping	Data acquisition system (DAS) stores hourly averages for water-to-fuel ratio and fuel consumption.	DAS records turbine load. Reports of catalyst acitivity to be maintaind for 5 years.
QA/QC Practices and Criteria	Fuel and water flow meters to have a minimum accuracy of 5%, and to be calibrated annually per manufacturer's recommendations.	Instrumentation for recording turbine loading to be calibrated annually per manufacturer's recommendations.

Indicator Ranges for Water-to-Fuel Ratio	
Load, percent	**Water-to-Fuel Ratio Indicator Range**
50	Less than 0.87
51-65	Greater than 0.87
66-80	Greater than 0.92
81-100	Greater than 0.98

The indicators to be monitored reflect the performance of the water injection for the combustion turbines, turbine loading and the performance of the oxidation catalysts. The range of operation for water-to-fuel ratio for the turbines are based on initial performance tests and manufacturer design. Performance test data was used to verify the accuracy of the water-to-fuel ratio and turbine loading indicator ranges so that ongoing compliance with the NO_x and CO emission limits can be reasonably assured. Operation of the water injection controls, combustion turbines and oxidation catalysts in a manner that each indicator is maintained within the appropriate range will provide a reasonable assurance of compliance with the NO_x and CO emission limits. The monitoring proposed in the Compliance Assurance Monitoring plan augments that required by 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines.

Facility monitoring requirements from 40 CFR 60 Subpart GG have been incorporated in the requirements from the state major NSR permit listed above. Requirements for monitoring the sulfur content of the fuel from condition 20 of the NSR permit, have been inserted in the Title V permit in a manner reflecting the facility's current quarterly monitoring frequency, based on previous periods of monitoring demonstrating compliance at higher frequencies.

The operating permit will contain conditions requiring the permittee to conduct monitoring in accordance with 40 CFR 70.6(a)(3)(i) and 40 CFR 64.6(c).

The permit contains a requirement for daily visual observations of each exhaust stack of combustion turbines in operation. If visible emissions are present during any of the observations, a six-minute visible emission evaluation must be performed in accordance with 40 CFR 60, Appendix A, Method 9. If during the six minutes, any readings above 10% opacity are noted, a one-hour Method 9 VEE is required. A Method 9 evaluation will not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. This will satisfy the periodic monitoring requirement for the visible emission limitation included in the permit.

Recordkeeping

Facility recordkeeping requirements are included below from condition 21 of the state major NSR permit issued May 1, 2000, and modified September 22, 2000, May 16, 2001, and August 27, 2001. Facility recordkeeping requirements from 40 CFR 60 Subpart GG are incorporated in these requirements.

21. The Title V permit includes requirements for maintaining records of all monitoring required by the permit. These records include but are not limited to the following:

a. The combined fuel consumption of the five Twin Pac generator sets and the heater, calculated daily as the sum of each consecutive 365-day period;

b. The natural gas consumption of the heater, calculated daily as the sum of each consecutive 365-day period;

c. All the fuel analysis reports for sulfur content;

d. Annual NO_x emission reports, calculated daily as the sum of each consecutive 365-day period;

e. Continuous records of the ambient temperature, ambient humidity and combustor inlet pressure;

f. Monitoring data, monitor performance data, monitor maintenance and corrective actions for the water flow meter; fuel flow meter and monitoring instrumentation for turbine loading;

g. Results of the daily visual observations of the combustion turbine exhaust stacks and any visible emissions evaluations; and

h. Any written Quality Improvement Plan and any activities undertaken to implement a Quality Improvement Plan, and any such data used to document the adequacy of monitoring.

Facility recordkeeping requirements also include conditions 26 and 27 of the state major NSR permit issued May 1, 2000, and modified September 22, 2000, May 16, 2001, and August 27, 2001:

26. In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:

a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of 5 years and shall be made available to DEQ personnel upon request, and

b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

(9 VAC 5-170-160 and 9 VAC 5-50-410)

27. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum. The permittee shall maintain records of training provided, including names of trainees, date of training and

nature of training.
(9 VAC 5-170-160)

Testing

A table of test methods has been included in the permit for any additional testing that may be performed. The Department and EPA have authority to require testing not included in this permit if necessary to determine compliance with an emission limit or standard.

Reporting

Facility reporting requirements from the state major NSR permit issued May 1, 2000, and modified September 22, 2000, May 16, 2001, and August 27, 2001:

16. Quarterly reports of excess emissions shall be submitted to the Director, Southwest Regional Office in accordance with 40 CFR Part 60, Section 7(c). The report shall be postmarked by the 30th day following the end of the calendar quarter. In addition to the information required by 40 CFR Part 60, Section 7(c), each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions. For the purpose of this report, periods of excess emissions are defined as follows:

a. Any one hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the average water-to-fuel ratio determined to demonstrate compliance with the nitrogen oxide ppmvd limits specified in condition 17 during the most recent compliance test.

b. Any period during which the sulfur content of the natural gas being fired in the gas turbines exceeds 0.8 percent by weight.

d. Operating hours when monitoring data is not available.

(9 VAC 5-170-160, 9 VAC 5-50-20, 9 VAC 5-50-50 and 9 VAC 5-50-410)

Facility reporting requirements from 40 CFR 60 Subpart GG have been incorporated in the requirements from the state major NSR permit listed above.

In addition to the information included in the semi-annual monitoring report required by the Recordkeeping and Reporting section in the General Conditions of the Title V permit, the semi-annual monitoring report shall also include the following:

a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken; and

b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable).

Streamlined Requirements

There are no streamlined requirements.

GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110, that apply to all Federal operating permit sources. The acid rain operating permit regulations subsume the Title V operating permit regulations for an acid rain facility. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

B. Permit Expiration

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §§2.1-20.01:2 and §§10.1-1185 of the *Code of Virginia,* and the "Department of Environmental Quality Agency Policy Statement NO. 3-2001".

F. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and excesses emissions reporting within 4 hours. Section 9 VAC 5-80-650 also requires malfunction reporting; however, reporting is required within 2 days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to this section including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations and 9 VAC 5-80-650 is from the acid rain operating permit regulations. This facility is subject to both 9 VAC 5-20-180 and 9 VAC 5-80-650. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-650. The report must be made within 4 daytime business hours of the malfunction.

U. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in section 9 VAC 5-80-650 and 9 VAC 5-20-180. The malfunction

requirements are listed in General Condition U and General Condition F. For further explanation see the comments on General Condition F.

STATE-ONLY APPLICABLE REQUIREMENTS

No state-only applicable requirements are applicable in this case.

FUTURE APPLICABLE REQUIREMENTS

Wolf Hills Energy did not identify any future applicable requirements in their application, and DEQ is unaware of any future requirements that may apply during the life of the Title V permit. Therefore, no future applicable requirements have been included in the permit.

INAPPLICABLE REQUIREMENTS

The proposed National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines does not apply since the facility is not a major source of hazardous air pollutants.

The startup, shut down, and malfunction opacity exclusion listed in 9 VAC 5-40-20 A 4 cannot be included in any Title V permit. This portion of the regulation is not part of the federally approved state implementation plan. The opacity standard applies to existing sources at all times including startup, shutdown, and malfunction. Opacity exceedances during malfunction can be affirmatively defended provided all requirements of the affirmative defense section of this permit are met. Opacity exceedances during startup and shut down will be reviewed with enforcement discretion using the requirements of 9 VAC 5-40-20 E, which state, "At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions."

COMPLIANCE PLAN

Wolf Hills Energy is currently in compliance with all applicable requirements. No compliance plan was required in the application.

INSIGNIFICANT EMISSION UNITS

The insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping or reporting shall be required for these emission units in accordance with 9 VAC 5-80-490.

Insignificant emission units include the following:

Emission Unit No.	Emission Unit Description	Citation[1] (9 VAC)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
WHO1	Pratt & Whitney FT8 Twin Pac #1a	5-80-720 B.5.	Total HAPs	N/A
WHO2	Pratt & Whitney FT8 Twin Pac #1b	5-80-720 B.5.	Total HAPs	N/A
WHO3	Pratt & Whitney FT8 Twin Pac #2a	5-80-720 B.5.	Total HAPs	N/A
WHO4	Pratt & Whitney FT8 Twin Pac #2b	5-80-720 B.5.	Total HAPs	N/A
WHO5	Pratt & Whitney FT8 Twin Pac #3a	5-80-720 B.5.	Total HAPs	N/A
WHO6	Pratt & Whitney FT8 Twin Pac #3b	5-80-720 B.5.	Total HAPs	N/A
WHO7	Pratt & Whitney FT8 Twin Pac #4a	5-80-720 B.5.	Total HAPs	N/A
WHO8	Pratt & Whitney FT8 Twin Pac #4b	5-80-720 B.5.	Total HAPs	N/A
WHO9	Pratt & Whitney FT8 Twin Pac #5a	5-80-720 B.5.	Total HAPs	N/A
WH10	Pratt & Whitney FT8 Twin Pac #5b	5-80-720 B.5.	Total HAPs	N/A
WH-HTR	Natural gas-fired heater	5-80-720 B.5.	Total HAPs	N/A

[1]The citation criterion is 9 VAC 5-80-720 B - Insignificant due to emission levels.

CONFIDENTIAL INFORMATION

The permittee did not submit a request for confidentiality. All portions of the Title V application are suitable for public review.

PUBLIC PARTICIPATION

A public notice regarding the draft permit was placed in the *Bristol Herald Courier* newspaper in Bristol, Virginia on September 20, 2003. EPA was sent a copy of the draft permit and notified of the public notice. The affected states, including West Virginia, Kentucky, North Carolina and Tennessee, were sent a copy of the public notice. All persons on the Title V mailing list were sent a copy of the public notice by e-mail, fax or letter.